

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:05CR246
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
WILLIAM T. WILBANKS,)	
)	
Defendant.)	

The Court has received the Second Revised Presentence Investigation Report ("Second Revised PSR") and the Defendant's objections to the previous Revised Presentence Investigation Report (Filing No. 26). The government has adopted the Second Revised PSR. (Filing No. 27.) See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

In light of the Second Revised PSR, the Defendant's objections are moot.

IT IS ORDERED:

1. The Defendant's Objections to the Presentence Investigation Report (Filing No. 26) are denied as moot;
2. Otherwise the Court's tentative findings are that the Presentence Investigation Report is correct in all respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the

submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 22nd day of December, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge